

Message

From: Sauerhage, Maggie [Sauerhage.Maggie@epa.gov]
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To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily Clips: 2/7/2020

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EcoWatch

10 U.S. Oil Refineries Released Carcinogenic Benzene Above EPA Limits in 2019
<https://www.ecowatch.com/benzene-emissions-oil-refineries-2645061016.html?rebelltitem=1#rebelltitem1>
[Sam Nickerson](#)

Emissions of the cancer-causing chemical benzene exceeded federal limits at 10 oil refineries across the U.S. last year, a new report from the Environmental Integrity Project has found.

The Environmental Integrity Project reviewed data for 114 refineries across the country. Of the 10 that exceeded U.S. Environmental Protection Agency (EPA) action levels, six were in Texas, while the remaining four were located in Pennsylvania, Louisiana, New Mexico and Mississippi, Reuters reported.

The report analyzed a year's worth of data reported to the EPA following a rule that took effect in 2018 requiring continuous air pollution monitoring at the facilities' perimeters in order to protect nearby communities, which are typically working class and predominantly black or hispanic.

One of the 20 most commonly used chemicals in the U.S., benzene occurs in crude oil, gasoline, vehicle exhaust and cigarette smoke, as well as in glues, paints, furniture waxes and detergents, according to the U.S. Centers for Disease Control and Prevention.

Multiple studies have shown that long-term exposure to elevated levels of benzene can cause leukemia, which is a cancer affecting blood-forming tissues, according to the American Cancer Society. Benzene can also cause poor red blood cell production and anemia, and can change blood levels of antibodies, which boosts risk of infection, according to the CDC.

The report found that breathing in benzene concentrations as low as 13 micrograms per cubic meter over a lifetime could cause one additional cancer case for every 10,000 people exposed.

EPA regulations dictate that benzene levels higher than nine micrograms per cubic meter over the course of a year require action on the part of the refineries, though they are not in violation of the law, The Guardian reported.

"The federal action level is intended as a benchmark to flag when emissions are higher than expected, so that facilities can look for the cause and take early action," an EPA spokesperson told The Hill. "The federal action level is not based on an analysis of risk levels to the community — but rather on emissions from the facility."

The top 10 refineries emitting benzene above EPA limits were:

1. Philadelphia Energy Solutions - Philadelphia, PA (*49 micrograms per cubic meter*)
2. HollyFrontier Navajo Artesia - Artesia, NM (*36 micrograms per cubic meter*)
3. Total Port Arthur Refinery - Port Arthur, TX (*22.3 micrograms per cubic meter*)
4. Pasadena Refining - Pasadena, TX (*18 micrograms per cubic meter*)
5. Flint Hills Resources Corpus Christi East - Corpus Christi, TX (*16.1 micrograms per cubic meter*)
6. Chevron Pascagoula - Pascagoula, MS (*13.8 micrograms per cubic meter*)
7. Valero Corpus Christi East - Corpus Christi, TX (*13 micrograms per cubic meter*)
8. Chalmette Refining - Chalmette, LA (*12.3 micrograms per cubic meter*)
9. Shell Deer Park - Deer Park, TX (*11.1 micrograms per cubic meter*)
10. Marathon Galveston Bay Texas City - Texas City, TX (*10 micrograms per cubic meter*)

The leading emitter, Philadelphia Energy Solutions, shut down its South Philadelphia refinery and filed for bankruptcy following a large explosion last June. During the year before, air monitors showed the net concentration of benzene near the facility was five times the EPA action level.

In May 2019, the air monitors detected benzene levels at more than 21 times above the action level, NBC News reported. NBC also cited census data showing 60 percent of the 297,000 people living within three miles of the PES refinery are minorities, and around 45 percent live below the poverty line.

At the HollyFrontier Navajo Artesia refinery in New Mexico, monitors detected a net concentration of 998 micrograms per cubic meter during one two-week period, UPI reported. The net concentration for the year was three times higher than the EPA limits.

"These results highlight refineries that need to do a better job of installing pollution controls and implementing safer workplace practices to reduce the leakage of this cancer-causing pollutant into local communities," Eric Schaeffer, Executive Director of the Environmental Integrity Project, said in a [press release](#). "Now, EPA needs to enforce these rules."

E&E News

An oil company wants to take CO2 from air. Here's why

<https://www.eenews.net/climatewire/stories/1062283647/>

Benjamin Storrow, E&E News reporter

Oil companies specialize in extracting carbon dioxide-laden hydrocarbons from the earth. But could they use their expertise to put that carbon back where they found it? The answer could decide the industry's future — and have important implications for the planet.

Occidental Petroleum Corp., the Texas shale titan, has emerged as an early test case of whether an oil company can make the shift to carbon management. Since the beginning of 2018, the Houston-based oil producer has invested in an array of enterprises aimed at cutting carbon from factories, power plants and the atmosphere itself.

In some ways, the moves represent an extension of Occidental's current business. It's already the world's largest handler of CO2 used for enhanced oil recovery, a process in which carbon dioxide is injected into flagging oil reservoirs to stimulate production. The pressing question is whether Occidental's investments will turn the carbon producer into a carbon manager.

Vicki Hollub, Occidental's CEO, seems to think so. At industry conferences and in calls with investors, she [speaks](#) of the need to address climate change and preserve the industry's social license. She highlights Occidental's efforts to reduce flaring, the process where surplus gas produced at oil wells is burned off into the atmosphere, and the emissions benefits of enhanced oil recovery. The Occidental boss is [fond](#) of citing studies showing that 40% of carbon injected into oil reservoirs remains there, lowering the emissions intensity of every barrel of that oil.

"I think what we need to focus on now as an industry is what we do now for our Earth, what we do for climate," she [told](#) an energy conference at Columbia University last year. "And we're developing now the technology to start to have a smaller footprint, not only from a land perspective environmentally and on our fresh water, but also with respect to emissions. Our commitment is to do that more aggressively."

Occidental's investments hint at a wider debate over the role oil companies should play in a transition to a low-carbon economy. Climate activists are deeply skeptical. Their concerns are championed by Sen. Bernie Sanders (I-Vt.), a presidential candidate, who has advocated for holding fossil fuel companies criminally liable for climate damages and phasing out fossil fuels.

But a significant number of climate researchers believe oil companies could play a key role in lowering emissions. Their arguments are twofold. First, even the most ambitious carbon-cutting scenarios envisioned by the Intergovernmental Panel on Climate Change foresee continued oil consumption, largely thanks to demand from hard-to-green sectors of the economy like aviation and heavy industry. Enhanced oil recovery can lower the emissions associated with that oil, they argue.

"At the end of the day, every ton of CO2 from a future barrel of crude oil needs to be, at minimum, offset if we're going to get to deep decarbonization," said John Larsen, an analyst at the Rhodium Group, an independent research firm. "There are going to be other sectors where decarbonization is really tough."

Oil companies also look uniquely suited to serving a second role in cutting emissions: removing CO2 from the atmosphere and storing it underground. The IPCC [reported](#) the world is unlikely to prevent global temperatures from rising 1.5 degrees Celsius without deployment of carbon removal technologies like direct air capture, a process of sucking CO2 out of the atmosphere and storing it underground.

In a report last year, Rhodium concluded that direct air capture is a key component of reaching net-zero emissions by midcentury, along with greening electricity, energy efficiency, and electrifying transportation and home heating and cooling. The firm estimated that the U.S. will need to remove and permanently store 560 million to 1,850 million metric tons of CO₂ with direct air capture to hit net-zero emissions by midcentury.

The problem is that capturing that carbon underground is expensive. Rhodium estimates Congress would need to raise the federal subsidy for geologic storage from \$50 a ton today to \$180 a ton to help the first large-scale direct air capture plant break even.

CO₂ and revenue streams

Enter an oil company like Occidental, which is exploring plans for a direct air capture plant in West Texas with Carbon Engineering, a Canadian startup it invested in last year. Occidental could inject CO₂ captured by the proposed plant, a huge facility with long walls of large fans, into its oil wells. The economics there are more favorable. The company can rely on an existing federal subsidy (\$35 per ton for enhanced oil recovery), credits from California's Low Carbon Fuel Standard (now hovering around \$200 a ton) and the sale of CO₂ for oil field use.

Plants built to provide carbon to the oil field could prove a valuable testing ground for direct air capture and carbon capture and sequestration projects by lowering costs and opening the door for their application in other fields, advocates argue.

There's also this: Oil companies are already experts in managing the large, complex systems needed to handle carbon.

"If we do direct air capture on the scale that I think we're going to need, we're going to need an industry to manage that on par with the scale of the fossil industry of years past," said James Mulligan, a researcher at the World Resources Institute. "Who better to manage that than companies who understand the geology and can put it back where we found it?"

Occidental's foray into carbon management comes with a host of questions. First and foremost, where does low-carbon investments fit into Occidental's wider business? Occidental is a central player in the Permian Basin, the booming oil fields of West Texas and New Mexico that have transformed America into an oil power.

The company nearly doubled its Permian production between 2016 and 2018 and then added rival Anadarko Petroleum Corp. in a \$38 billion takeover last year. The deal doubled Occidental's Permian output and made it the basin's top producer.

Occidental has seen its CO₂ emissions spike as a result. Carbon emissions from Occidental's Permian operations grew from 493,000 metric tons in 2016 to 778,000 metric tons in 2018, according to EPA data. That's a 58% increase — the equivalent of 60,000 passenger vehicles. Combined with Anadarko, Occidental would have been the third-largest emitter in the Permian in 2018.

On Wall Street, concerns over the Anadarko deal don't center on emissions but the way the takeover was financed. Some analysts argue that the company gave overly generous terms to Warren Buffett in exchange for \$10 billion in financing. Activist investor Carl Icahn, an Occidental shareholder, has announced an effort to remake the company's board.

The result has been a growing focus on debt reduction. Occidental said in November it would cut its budget from \$9 billion in 2019 to around \$5.5 billion in 2020.

Where that leaves the low-carbon business is unclear. Occidental did not respond to requests for comment. And it has not disclosed how much it is spending on low-carbon investments. The company maintains a stake in Net Power LLC, a natural gas plant that is testing whether it can economically capture 95% of its emissions. It's also exploring the feasibility of carbon sequestration at an ethanol plant in Texas and a cement plant in Colorado.

Oxy Low Carbon Ventures LLC, the subsidiary overseeing those projects, is part of Occidental's midstream business, which also includes pipelines, natural gas processing facilities and power plants. In 2019, Occidental budgeted \$100 million for its entire midstream segment. It spent \$4 billion on its shale assets in the Permian.

Occidental's low-carbon business likely represents a hedge, said Zoe Sutherland, an analyst who tracks the industry at Wood Mackenzie. Today, Occidental extracts naturally occurring CO2 from a geologic reservoir in New Mexico and transports it via pipeline to legacy oil wells in the Permian. Capturing CO2 from a power plant or factory could significantly lower Occidental's production costs, she said.

"They are taking this opportunity to build on that, to invest in technology that is going to bring costs down, but to send a message that they're working toward a lower carbon-intense business," Sutherland said.

She stressed it remains early days in the oil industry's effort to reimagine itself.

Royal Dutch Shell PLC has talked of becoming the world's largest electricity company (*Climatewire*, Sept. 16, 2019). Equinor ASA, the Norwegian state-owned oil company, is investing heavily in offshore wind. The Spanish oil major Repsol SA has committed to carbon neutrality (*Climatewire*, Dec. 5, 2019). Yet even those companies, which represent leaders in the field of energy transition, continue to spend large portions of their revenues on oil and gas production.

"Right now the whole industry is trying to deal with the issues of climate and the pressures put on them by investors. They can see that change is coming and they need to be ahead of the game," Sutherland said. Occidental's enhanced oil recovery business makes it unique among its peers, she said.

"There are not so many companies that have expertise in that area. That has put them ahead of the pack, so to speak, on their carbon strategies."

E&E News

Chairman, former EPA official wrangle over mercury rule

<https://www.eenews.net/eedaily/stories/1062284473/>

Kelsey Brugger, E&E News reporter

A top Oversight and Reform Committee Democrat sparred with a former Trump administration official yesterday about EPA's controversial rulemaking on mercury emissions.

The Environment Subcommittee held a hearing on the issue, part of a four-part series, "A Threat to America's Children."

EPA's proposal would undo the legal basis for the Obama-era cap on emissions of mercury from coal- and oil-fired power plants. It has been under review at the White House Office of Management and Budget for more than a year.

Opponents worry it could ultimately trigger additional litigation from the coal industry with the goal of eliminating the standards.

Subcommittee Chairman Harley Rouda (D-Calif.) pressed Mandy Gunasekara, the GOP's sole witness at the hearing and a former Trump EPA official, on whether the Mercury and Air Toxics Standards rulemaking would have consequences on Americans.

After a back-and-forth, each cutting the other off, Rouda declared President Trump "doesn't need to look to Ukraine for corruption, he simply needs to look in his own administration."

Rouda's comment came a day after the Senate acquitted the president in his impeachment trial, which related to actions in Ukraine.

The chairman asked Gunasekara whether the fossil fuel industry was paying her. She replied that she was not being paid to testify and that her nonprofit group, Energy 45, received contributions from an array of people. She did not specify who.

Gunasekara argued the administration was simply correcting the Obama EPA's improper justification for the rule.

She said the prior administration wrongly relied on the rule's impact on other pollutants in a cost-benefit analysis. In other words, the agency had relied on "co-benefits."

The Obama mercury rule, along with other economic, regulatory and legal factors, is responsible for the retirement of numerous coal plants.

"The proposed MATS revisions aim to fix a dishonest accounting mechanism the last administration used that had the effect of justifying any regulatory action regardless of costs," she said.

Gunasekara also pointed to the Supreme Court, which ruled in 2015 that EPA failed to properly consider compliance costs. The agency issued a "supplemental finding" in 2016 in response to the ruling.

Heather McTeer Toney, a former EPA regional administrator and national field director at Moms Clean Air Force, countered Gunasekara's claims about co-benefits.

"We met with OMB and advocated against this idea that the Obama administration's calculation of the cost and benefit of the rule was limited, thereby creating an opening for the rule to no longer be considered 'appropriate and necessary,'" she said in her testimony.

"Their case was faulty and disingenuous at best then, and it remains so now," McTeer Toney told lawmakers.

E&E News

Documents expose ties among EPA panel's experts

<https://www.eenews.net/greenwire/2020/02/07/stories/1062289617>

Sean Reilly, E&E News reporter

When EPA Administrator Andrew Wheeler named a dozen experts to participate in two high-stakes reviews of national air quality standards, it was with a pledge that they would help ensure scientific rigor.

But one of those experts acknowledges he's an amateur in his professed specialty of epidemiology. And two more were nominated by the chairman of the powerful advisory committee leading the reviews, who has since used their feedback to bolster his stance that no changes are warranted to the soot standards. And still others have the backing of farm and business lobbies that have opposed stricter air pollution limits, an E&E News survey of agency records has found.

Those experts' views are likely to surface during the committee's two-day public teleconference Tuesday and Wednesday to discuss a separate review of the ozone standards that also carries potentially significant public impacts. The controversy behind the makeup of the panel and contentious decisions made by the committee members could also flare up.

Already, Wheeler's arrangement has drawn scrutiny from top House Democrats.

For critics, it's added evidence of a strategy geared to sideline research findings that some believe would help thousands of Americans live longer each year.

"If you pick the people who you want, you'll get the answers you want," said Chris Frey, a former chairman of what is formally known as the Clean Air Scientific Advisory Committee and a vocal foe of the Trump administration's handling of the reviews of both the national soot and ozone limits.

Wheeler, who was not available in recent weeks for an interview, has not spelled out the grounds for his choices last summer, which were culled from almost 60 nominees, according to a roster obtained by E&E News under the Freedom of Information Act. In an email, EPA spokesman Michael Abboud did not directly address a question on that score but said the expert pool encompasses a "very balanced" blend of a half-dozen academics, alongside members with backgrounds in industry or private consulting work. The agency has previously stressed that all the experts are considered "special government employees" subject to federal conflict-of-interest requirements.

But already the committee, usually known by its acronym CASAC, has rebuffed the preliminary conclusions of career EPA employees that tougher soot standards could help prevent thousands of premature deaths each year (Greenwire, Dec. 4, 2019).

The feedback from some of Wheeler's experts has repeatedly served to buttress the positions of CASAC Chairman Tony Cox and other committee members that evidence for tougher limits is lacking, according to documents and written exchanges posted on the committee's website.

The roster shows, for example, that Cox nominated Dr. Constantin Aliferis, a senior University of Minnesota researcher, and D. Warner North, a San Francisco-based consultant, based in part on their knowledge of the field of "causal inference." Cox has since turned to the duo's input in arguing that research does not prove a cause-and-effect connection between early deaths and soot levels below the current thresholds.

Two of Wheeler's other picks work for well-known industry consulting firms that are representing clients with a stake in the reviews. As E&E News has previously reported, both were nominated by the National Rural Electric Cooperative Association, which opposed EPA's 2015 cut to the national ground-level ozone standard (E&E News PM, Sept. 18, 2019).

Another two — one of whom has since quit — were endorsed by the National Cattlemen's Beef Association, which unsuccessfully fought EPA's 2012 tightening of the annual limit on soot concentrations.

Yet another, the self-described amateur epidemiologist, is also on the advisory board of a conservative group known as the American Council on Science and Health. In comments to CASAC last fall, a trustee for the council disputed the long-established connection between soot exposure and early death.

As Frey, a professor at North Carolina State University, and other detractors label the proceedings a sham, it's unclear whether some qualified nominees declined to serve or ran afoul of an agency ban on participation by current EPA grant recipients.

But Wheeler's handiwork has snagged the attention of House Energy and Commerce Chairman Frank Pallone (D-N.J.) and several other congressional Democrats. In a September letter, they voiced alarm that he didn't recognize "the need for robust and independent scientific expertise" (E&E Daily, Sept. 17, 2019). After getting a briefing from EPA last fall, the lawmakers are awaiting answers to additional questions, a Pallone spokesman said in an email.

'Uncharted territory'

Under pressure, Wheeler ostensibly named the experts to plug a knowledge gap that he created almost a year earlier.

Under the law, the Clean Air Scientific Advisory Committee is charged with providing outside counsel to EPA during the legally required reviews, based on the latest research into pollutants' health and environmental effects. With vast amounts of research in play, the job can be demanding and complex.

Under a decades-old tradition, the seven-member committee has typically relied on auxiliary panels drawn mostly from the ranks of university researchers to pump in extra know-how.

In October 2018, Wheeler ended the practice by abruptly firing the auxiliary panel helping with the appraisal of the soot limits. At the same time, he scrapped plans to create a similar body to aid in the review of the ozone standards (*Greenwire*, Oct. 12, 2018). He later portrayed the decision as a streamlining move.

But help was still needed in epidemiology and other fields, CASAC members insisted last April.

In response, Wheeler named the experts five months later, saying they would help ensure timely and rigorous reviews (*E&E News PM*, Sept. 13, 2019). Soon after, one committee member wrote that the experts, too, lacked "sufficient expertise and experience" in epidemiology, which studies the causes and patterns of diseases. Coupled with a requirement that the experts communicate with the committee only in writing, "these limitations adversely affect" CASAC's ability to advise EPA, wrote Dr. Mark Frampton, a retired University of Rochester pulmonologist.

Frampton has assailed the review process as "broken," a view shared by other critics (*E&E News PM*, Oct. 24, 2019).

"I think we're in uncharted territory here," said Kevin Cromar, a New York University professor affiliated with the American Thoracic Society, which backs more stringent limits for both soot and ozone. "What do you do when your expert panel may in fact lack the expertise to fulfill their obligations?"

The roster shows that Wheeler passed over Cromar and other academic specialists in epidemiology in appointing the experts. Cromar said he did not know that he had been nominated.

But if the committee is short on epidemiological smarts, it has homed in on cause-and-effect doubts to question research that suggests the need for stronger standards for soot.

Soot is technically known as PM_{2.5}, because the tiny bits of fine particulate matter are no more than 2.5 microns in diameter, or one-thirtieth the width of a human hair. Capable of penetrating deep into the lungs, they have turned up in placental tissue surrounding fetuses and are linked to an increasingly wide range of ailments, including early death.

In a draft document last year, career EPA employees concluded that the existing exposure limits, set in 2012, may be too weak and that a significant strengthening of the annual threshold was potentially warranted (*E&E News PM*, Sept. 5, 2019). Late last month, the agency affirmed those conclusions in the final version.

But Cox, a consultant in private life who has done work for top industry trade groups, has dismissed those findings as unsupported by evidence of a solid causal link. For backup, he has repeatedly cited the work of North and Aliferis, according to his comments last October on the draft document.

In one passage, for example, Cox wrote that EPA's work "does not apply modern causal analysis and inference frameworks (referred to by Drs. Aliferis and North) developed over the past century that could help to avoid errors and fallacies in judgments about causality."

In an interview during a December CASAC meeting, Cox confirmed his role in nominating the two but said that both are "independent thinkers" and that he has no control over what they say.

Aliferis, who heads the Institute for Health Informatics at the University of Minnesota, referred emailed questions about his EPA work to a school public relations representative, who did not provide a response.

North said he learned that Cox had nominated him from an E&E News reporter. While the two men have known each other for at least two decades, "I made no agreement with any person or any organization about what input or advice I would offer if EPA selected me to serve in this position," North said in an email.

While Duncan Thomas, another Wheeler appointee who is a biostatistics professor at the University of Southern California, has endorsed EPA's reading of the scientific evidence for stronger soot limits, his views have gotten short shrift from most CASAC members, the exchanges show.

With Frampton the lone dissenter, CASAC agreed late last year that no changes to the soot limits are needed (*Greenwire*, Dec. 4, 2019). The committee is likely next week to also formally endorse EPA's tentative finding that the 2015 status quo for ozone is still adequate.

But during a portion of the teleconference set aside for public feedback, committee members are likely to again hear pointed objections. If the goal of Wheeler's appointments was to bolster CASAC's expertise, "this was far too little, too late," Gretchen Goldman of the Union of Concerned Scientists says in prepared comments already posted on the committee's website.

Another expert cited by Cox is Frederick Lipfert, an independent consultant who sits on an advisory board for the American Council on Science and Health. On the EPA roster, Lipfert's areas of expertise are listed as "air quality" and "epidemiology." But in a recent email exchange, he confirmed that his educational background, which includes a doctorate, is in engineering and environmental studies.

"I'm an amateur epidemiologist at best," Lipfert said, while noting that he has published 150 papers and reports on topics related to air pollution. "My position is that only simple statistics are required to understand the basic issues and that the most pressing need is for more understanding of the basic science, not more manipulation of existing data."

The council's board of trustees includes James Enstrom, a retired professor from UCLA. In October feedback to CASAC, Enstrom asserted there is no proven tie between soot exposure and premature death, even as other researchers conclude the perils are greater than once thought.

In an interview with E&E News last year, Lipfert, who nominated himself for the expert pool, similarly questioned the need for regulating soot under EPA's current framework (*E&E News PM*, Sept. 18, 2019). His skepticism has carried over into his current role with the committee. "Accountability was not established," he wrote last fall, for example, when asked whether a pivotal EPA analysis was scientifically sound.

In replying to questions from E&E News, Lipfert drew a distinction between his views and Enstrom's, adding that his work for CASAC is "completely independent" of his connections to the American Council on Science and Health.

Consultant connections

Other additions to the expert pool also have industry connections.

Lorenz Rhomberg, one of the two experts nominated by the rural cooperative association, is a risk assessment specialist and principal with Gradient Corp., a Massachusetts-based consulting firm. Last fall, Julie Goodman, another Gradient employee, told CASAC on behalf of the American Petroleum Institute that there's not enough evidence "to call into question" the adequacy of the current soot standards. In replies to questions posted by committee members, Rhomberg stopped short of reaching a similar conclusion but said Cox's concerns "have technical merit in terms of demonstrating how translating measures of association can be misleading if interpreted as generally applicable measures of the degree of causal effect."

In an email, Rhomberg said he took the independence of his committee work seriously and was responding only to questions about specific technical issues.

Consultant connections

| | Job/affiliation | Nominated by |
|-------------------------|--|---|
| Dr. Constantin Aliferis | University of Minnesota | Tony Cox, chairman of EPA's Clean Air Scientific Advisory Committee (CASAC) |
| Brent Auvermann* | Texas A&M AgriLife Research and Extension Center at Amarillo | Self/National Cattlemen's Beef Association/Texas Cattle Feeders Association |

| | | |
|-------------------|---|---|
| Dan Jaffe | University of Washington, Bothell | Mae Gustin, University of Nevada, Reno |
| John Jansen | Southern Company Services Inc. (retired) | Self |
| Kristen Johnson | Washington State University | Self/National Cattlemen's Beef Association |
| Frederick Lipfert | Independent consultant | Self |
| Dr. Joseph Lyon | University of Utah School of Medicine (retired) | Steve Packham, CASAC member |
| D. Warner North | NorthWorks | Tony Cox |
| David Parrish | Independent consultant | Truck and Engine Manufacturers Association |
| Lorenz Rhomberg | Gradient Corp. | National Rural Electric Cooperative Association |
| Sonja Sax | Ramboll Group | National Rural Electric Cooperative Association |
| Duncan Thomas | University of Southern California | Health Effects Institute |

** Has since resigned*

Most of the consultants named by EPA Administrator Andrew Wheeler last September to help with two key air quality standards reviews have ties to people already involved in the assessments or to entities with a stake in the outcome. Source: EPA/E&E News research

"I did not work with anyone else as I prepared my answers to CASAC-member queries, nor did I show my answers to anyone or discuss them with anyone before submitting them to the EPA," he wrote. "I intentionally did not read or discuss anyone else's comments to the CASAC."

The other consultant successfully nominated by the rural co-op association was Sonja Sax, an environmental health scientist with the international firm Ramboll Group A/S. Before her appointment, Sax had represented several industry groups in faulting a draft EPA roundup of soot research that helped lay the groundwork for the agency's conclusion that the existing standards may be too weak. Since then, two Ramboll employees have provided feedback to CASAC, with one effectively arguing against any change to the secondary ozone standard, which recently came under scrutiny from a federal appellate court.

Ramboll spokeswoman Jeanne Bezerra declined to identify the client that the two were representing on the grounds of confidentiality requirements. But in an email, Bezerra said that they had no "material communication" with Sax in preparing their feedback and that Sax has not provided any comments for CASAC on the ozone issue.

The reviews are playing out under a hurry-up schedule aimed at completion by year's end. The workload and tight turnaround times have so far led to the resignation of one of Wheeler's appointees.

"I simply did not have as much time to devote to the tasks as the tasks would have required," Brent Auvermann, a professor at Texas A&M University, told E&E News in an email. Auvermann was one of the two members nominated by the cattlemen's association. The other, Kristen Johnson of Washington State University, did not reply to phone and email messages. In reams of CASAC documents related to the two reviews, there is no indication that she has so far provided any input.

In an earlier email, Scott Yager, chief environmental counsel for the cattlemen's association, said the group had recommended the two because of their expertise in livestock emissions.

Another expert working with the committee is David Parrish, an independent consultant nominated by the Chicago-based Truck and Engine Manufacturers Association, which also opposed EPA's 2015 decision to trim the ozone threshold. An association official did not reply to phone and email messages seeking the group's rationale for recommending Parrish.

Parrish, a former NOAA scientist whose research focus is on ozone, mingled plaudits and technical criticisms in his replies to questions about EPA's tentative assessment that the existing standards are adequate. He also repeatedly acknowledged that he had "no relevant" expertise to address questions about the standards' adequacy. In a recent phone interview and follow-up email exchange, Parrish said he heard from the engine manufacturers association after participating in a 2018 ozone research symposium sponsored by the group, along with EPA and other regulatory agencies.

"I have not shared with them the input I have provided to CASAC," he said. "And they did not request any particular input from me."

In a final assessment released late last month, EPA air staff affirmed their preliminary conclusions that the status quo could allow a substantial number of premature deaths. With some caveats, they wrote that the evidence could warrant cutting the annual exposure limit by as much as a third.

In an email to E&E News, Cox signaled that CASAC does not plan to revisit its decision in favor of keeping the status quo. The committee's recommendations on the draft assessment "stand and have been considered by the EPA," he said. The final decision rests with Wheeler, who is expected to issue a formal proposal by this spring.

E&E News

EPA, big business spar over Mo. coal plants

<https://www.eenews.net/energywire/stories/1062284153/>

Jeffrey Tomich, E&E News reporter

Big business is rushing to defend Midwest utility Ameren Missouri in its appeal of a novel court ruling requiring the utility to add pollution controls at a St. Louis-area coal-fired power plant to compensate for years of excess emissions at another nearby plant.

The U.S. Chamber of Commerce, American Chemistry Council, National Association of Manufacturers, National Mining Association and other business groups filed a joint amicus brief with the 8th U.S. Circuit Court of Appeals this week seeking to reverse the lower court ruling.

The stakes are high for St. Louis-based Ameren, which faces billions of dollars in upgrades to clamp down on sulfur dioxide emissions at two of its four coal-fired power plants, including the 2,400-megawatt Labadie plant — among the nation's largest.

Unless it's overturned, the ruling may also have major implications for utilities and owners of other industrial facilities across the country — a reason trade associations are rushing to Ameren's defense.

They "must be quite concerned that the district court decision will set a precedent allowing EPA in other cases to seek injunctive relief at one facility when the violation occurred at another owned by the same entity," said Patricia Ross McCubbin, a professor of environmental law at Southern Illinois University in Carbondale, Ill., and a former Department of Justice prosecutor.

EPA's lawsuit against Ameren goes back to 2011. U.S. District Judge Rodney Sippel ruled in 2017 that emissions at the 1,200-MW Rush Island plant south of St. Louis had increased after Ameren upgraded the facility without first getting the required Clean Air Act permits.

Last fall, the judge ordered Ameren to apply for a permit for SO₂ scrubbers at Rush Island within 90 days. Sippel also required emissions controls at the Labadie plant to help remedy Rush Island's excess pollution on a ton-per-ton basis (*Greenwire*, Oct. 1, 2019).

The trade groups argued that Sippel erred in finding Ameren violated the Clean Air Act by modifying its Rush Island plant without required permits and said the judge went too far in requiring the utility to reduce emissions at Labadie.

"The lower court's unprecedented and unlawful order to an uninvolved plant puts American industry at great disadvantage by creating uncertainty as to future pollution control requirements and untenable exposure to punitive and unpredictable judicial mandates," the business groups said.

America's Power and the Missouri Chamber of Commerce and Industry were also among the groups that filed the brief defending Ameren.

The utility, which serves 1.2 million customers in eastern Missouri, still gets most of its energy from Rush Island, Labadie and two other coal-fired power plants that ring St. Louis. Like many other utilities, Ameren has pledged an 80% cut in carbon emissions by midcentury and is adding wind and solar to its generating mix as part of that strategy.

Environmental groups such as the Sierra Club, which intervened in the case in 2017, have been pushing the utility to move faster, both to address climate change and other air pollutants. The Rush Island and Labadie plants at issue in the court order both ranked among the largest emitters of SO₂.

Ameren estimates the cost of installing required emissions at both plants could exceed \$4 billion.

In its [brief](#) filed with the 8th Circuit last week, Ameren maintained that the lower court misinterpreted Missouri regulations and that it didn't need construction permits when it made modifications to the Rush Island plant.

The company also took exception with the requirement that it install emissions controls on the four generating units at Labadie.

"Although no court had ever ordered installation of controls at a non-violating plant, the district court embraced EPA's 'excess emissions' theory," the company said.

As Ameren was filing its appellate brief, EPA filed notice with the district court arguing that the utility had failed to comply with the judge's order requiring it to file a permit application for the emissions controls at Rush Island and by suspending engineering work.

An Ameren spokesman declined to comment on EPA's filing and said it is focused on its reply brief, which will be filed with the court.

Grist

This Philadelphia refinery is the country's worst benzene polluter. Trump wants to keep it open.

<https://grist.org/justice/this-philadelphia-refinery-is-the-countrys-worst-benzene-polluter-trump-wants-to-keep-it-open/>

By Rachel Ramirez

Before it exploded last June, Philadelphia Energy Solutions (PES) — the largest crude oil refinery on the East Coast — was processing 335,000 barrels of oil each day. It was also producing some of the highest levels of benzene pollution of any refinery in the country, according to [a new report](#) by nonprofit watchdog group the Environmental Integrity Project.

The report, which follows a recent [investigation of PES's benzene pollution by NBC News](#), found that 10 refineries across the U.S. were releasing cancer-causing benzene into nearby communities at concentrations above the federal maximum in the year ending in September 2019. Under [2015 EPA rules](#), facilities are required to investigate where their toxic

emissions are coming from, then take immediate action to reduce impacts — both of which PES failed to do. The refinery had an annual average net benzene concentration that was more than five times the EPA standard, beating a long line of refineries in the oil-friendly state of Texas. Out of the 114 refineries that the group examined across the country over the course of a year, PES emitted the highest levels of benzene.

Refineries with Fenceline Monitored Benzene Levels Above EPA Action Level

| Facility | City | State | Net Concentration (micrograms per cubic meter) | % Greater than EPA Standard |
|--|----------------|-------|--|-----------------------------|
| Philadelphia Energy Solutions | Philadelphia | PA | 49.0 | 444% |
| HollyFrontier Navajo Artesia | Artesia | NM | 36.0 | 300% |
| Total Refinery Port Arthur | Port Arthur | TX | 27.3 | 180% |
| Pasadena Refining | Pasadena | TX | 18.0 | 100% |
| Fint Hills Resources Corpus Christi East | Corpus Christi | TX | 16.1 | 79% |
| Chevron Pascagoula | Pascagoula | MS | 13.8 | 53% |
| Valero Corpus Christi East | Corpus Christi | TX | 13 | 44% |
| Chalmers Refining | Chalmers | LA | 12.3 | 37% |
| Shell Deer Park | Deer Park | TX | 11.1 | 33% |
| Marathon Galveston Bay Texas City | Texas City | TX | 10 | 11% |

Refinery annual average benzene net concentration at the fenceline in micrograms per cubic meter of air for the year ending on September 30, 2018. The EPA standard is 3 micrograms per cubic meter of air.

Environmental Integrity Project

That includes the period after the refinery was shut down following the explosion.

Residents of South Philadelphia say they were awakened in the early hours of June 21, 2019 by a loud boom. Large pieces of debris poured down on the streets followed shortly by the smell of gas. Neighbors looked out their windows and saw clouds of dark smoke billowing from the nearby complex, which already had a history of safety issues.

For a while, that seemed to be the end for the refinery. Rather than make repairs and clean up the mess after the June incident, PES shut down the facility and filed for bankruptcy. The company put the 1,300-acre waterfront property up for sale, either to be maintained as a refinery or to be turned into housing or mixed-use development. And last month, after a closed-door auction in New York City, Hilco Redevelopment Partners, a Chicago-based real estate company, was the selected winner. But just when it seemed the PES refinery complex would shut down for good, the Trump administration got involved, offering its help last week to spurned bidders who are challenging Hilco’s victory because they want to keep the property processing crude oil.

The idea of keeping the refinery active doesn’t sit well with some environmental activists, especially in light of the new benzene report.

“Today’s report is just one more factor and data point on why this plot of land should not be put back into a use that puts local communities at risk,” said David Masur, executive director of PennEnvironment, a statewide environmental group working for clean air and water.. “Whether it’s an explosion or a constant threat of pollution from known carcinogens, the choice of putting a refinery there is just too dirty and dangerous.”

A community fuming

South Philadelphia has long been a diverse cultural hub for the city. It also faces multiple sources of pollution. In addition to the PES refinery complex, the largest source of particulate air pollution in Philadelphia and a repeat violator of the Clean Air and Water Acts, South Philly also has major arterial highways, the Philadelphia International Airport, large industrial factories, and other processing facilities.

More than 5,100 people live in the area within a one-mile radius of the PES refinery. Most of the residents are black, and 70 percent of the residents live below the poverty line. These residents also suffer from disproportionately high rates of asthma and cancer.

In a letter sent to the City of Philadelphia Refinery Advisory Group — a group the city created in wake of the June 21 explosion — at the end of October 2019, Drexel University researchers summarized the health impacts of living near the PES refinery based on data they’d gathered. They listed negative birth outcomes, cancer, liver malfunction, asthma, and

other respiratory illnesses. They also included mental health impacts such as stress, anxiety, and depression that come with living near a large industrial site like PES.

“Because the PES refinery is immediately surrounded by several neighborhoods, communities near the refinery will be disproportionately affected by compounds released by it,” Kathleen Escoto, a graduate student at the Dornsife School of Public Health at Drexel who was one of the authors of the letter, told Grist. “If the refinery released the highest levels of benzene in the country, especially considering its proximity to densely-populated areas, then the burden of disease that the refinery has on the surrounding communities is even worse than we thought.”

Benzene, a colorless chemical with a somewhat sweet odor that evaporates from oil and gas, is used as an ingredient in plastics and pesticides. According to the [U.S. Center for Disease Control](#), exposure to benzene can cause vomiting, headaches, anemia, cancer, and in high doses, death.

Philly Thrive, a grassroots environmental justice group that has been raising awareness about the public health costs of living near a fossil fuel facility since 2015, has been organizing community members from South Philadelphia to fight against PES and to ensure that they have a seat at the decision-making table.

“Part of what Philly Thrive has faced when residents tell their stories about the impact of the refinery on residents’ health is confrontation from politicians and leaders, who challenge our personal stories, lived experiences, and wisdom,” said Philly Thrive organizer Alexa Ross. “It’s always been offensive, perplexing and confusing to be challenged on the basis of facts.”

The refinery’s fate

Despite the Trump administration’s efforts to keep the refinery in operation, the fate of the land is still up in the air. On Thursday, Philly Thrive organized a call bank session for members to make phone calls to Philadelphia Mayor Jim Kenney and the Industrial Realty Group, an alternative bidder on the property that wants to keep it as a refinery. They cited the new report as part of their reasoning that the refinery should remain closed.

“This report just leaves us fuming, speechless, dumbfounded, and reeling about how residents have known for so long that the refinery has been killing generations of Philadelphians, but politicians still ask us to prove it,” Ross said.

“Imagine if we actually have the right kind of air monitoring system we need,” she added. “Imagine what else would come to light about what facilities like the refinery has been doing to human health.”

A [hearing to finalize the details of PES’s 11 bankruptcy sale](#) is now scheduled for February 12 in Wilmington, Delaware.

WWLTV

Chalmette oil refinery is nation’s eighth-highest emitter of carcinogen: report

<https://www.wwltv.com/article/tech/science/environment/chalmette-oil-refinery-benzene/289-6279afce-429d-4587-ad11-a500c542f75b>

By Chris McCrory (WWL)

CHALMETTE, La. — An oil refinery in Chalmette was one of the highest producers of benzene, a cancer-causing chemical, in the country last year, according to government data compiled by an environmental nonprofit group.

The report, compiled by the D.C.-based Environmental Integrity Project, [highlighted the ten refineries](#) in the U.S. that emitted benzene into the air at levels higher than what Environmental Protection Agency standards allow.

Benzene is a carcinogen even in small amounts. Long-term exposure can cause leukemia and other blood-related illnesses.

Readings from Chalmette Refining, owned by PFB Energy, had a concentration of 12.3 micrograms per cubic meter. That number is higher than the threshold established by the EPA and is the eighth-highest of more than 100 refineries with benzene monitors in place around the country.

According to the report, about 4,500 people live within a mile of the refining facility. About 30% of them are below the poverty line.

Louisiana's Department of Environmental Quality has set an annual benzene emissions limit of 12 micrograms per cubic meter. The EPA's standard is 10 micrograms.

In a response to WWL-TV, a PFB Energy spokesperson said new equipment designed to reduce benzene emissions will be operational at the refinery by the end of March.

Both the PFB Energy spokesperson and a spokesperson for the EPA pointed to the fact that the 10 microgram standard is not designed as an indicator that a community is in danger.

"The action level is a stringent level (more stringent than many state standards) in order to provide ample opportunity for early action," the EPA spokesperson said. "Should exceedances be ongoing, this may be a flag for EPA to do further analyses regarding potential community risk."

In an undated post on the Chalmette Refining website, the company reaffirms that their annual average benzene readings are below the state's standards.

An EPA rule that took effect in 2018 requires refineries to do fenceline monitoring around the perimeters of facilities like Chalmette Refining and to submit a corrective plan if benzene levels are ever detected above the 10 microgram standard.

Results higher than the EPA's standards are not a violation of federal law, but the Environmental Integrity Project emphasized the health dangers associated with benzene in a statement.

"These results highlight refineries that need to do a better job of installing pollution controls and implementing safer workplace practices to reduce the leakage of this cancer-causing pollutant into local communities," said Eric Schaeffer, Executive Director of the Environmental Integrity Project.

In total, four of Louisiana's 17 oil refineries were named in the report.

Bloomberg Environment

Corteva to Stop Making Controversial Chlorpyrifos Pesticide (2)

<https://news.bloombergenvironment.com/environment-and-energy/corteva-to-stop-making-chlorpyrifos-insecticide-by-year-end?context=search&index=0>

By Adam Allington

- Biggest manufacturer says production to stop by year's end
- Common insecticide link to brain damage in children

Corteva Agriscience announced Thursday it will stop production of the insecticide chlorpyrifos by the end of the year. Corteva, formerly the agricultural division of DowDuPont Inc., is the primary manufacturer of chlorpyrifos, a controversial pesticide linked to brain damage in children.

Sold primarily under the Lorsban brand, chlorpyrifos is an extremely potent neurotoxic insecticide used on a variety of crops, including almonds, citrus, grapes, alfalfa, and stone fruit.

The move was hailed as watershed moment by environmental groups who have been pushing to ban the chemical for decades. In recent months a number of states, including California and New York, and the European Union have moved to ban it.

“After years of pressure and increasing public concern, the end of chlorpyrifos is finally in sight,” said Jennifer Sass, senior scientist at Natural Resources Defense Council.

‘A Major Win’

The Obama administration announced in 2015 that it would ban chlorpyrifos, citing studies that found the the pesticide had the potential to damage brain development in children.

That ban had not yet come into force when newly appointed EPA Administrator Scott Pruitt reversed that decision in the early days of the Trump administration, setting off a wave of lawsuits.

Corteva called its decision to stop selling chlorpyrifos a “strategic business” move based on decreasing demand for the product following California’s ban, which goes into effect this week.

Sen. Tom Udall (D-N.M.), who has introduced legislation in the Senate to outlaw the use of chlorpyrifos nationwide, said: “It is a major win when a leading chemical company decides to stop producing a toxic chemical that damages the brains of children and causes serious health problems in farmworkers and others exposed to it.”

(Updated throughout. Corrects day of week in first paragraph.)

Mother Jones

Trump Rescued a Nasty Pesticide from an EPA Ban. Now Corteva Will Stop Making It.

<https://www.motherjones.com/environment/2020/02/trump-rescued-a-nasty-pesticide-from-an-epa-ban-now-corteva-will-stop-making-it/>

TOM PHILPOTT

Back in 2017, in the early days of the Trump administration, the Environmental Protection Agency rejected a proposal by its own scientists to ban chlorpyrifos, a neurotoxic pesticide suspected of causing to lower birth weights, lower IQs, attention deficit disorder and other developmental issues in children. The decision generated outrage and inspired several states—Hawaii, New York, and most recently, California—to ban it.

On Thursday, the pesticide’s top US supplier, Corteva announced it would stop making the chemical. “Due to this reduced demand, Corteva has made the strategic business decision to phase out our production of chlorpyrifos in 2020,” the company said in a statement.

The decision marks quite a reversal from the company’s push to keep chlorpyrifos on the market, detailed by this Union of Concerned Scientists’ report. Corteva’s corporate predecessor, Dow, cultivated a chummy relationship with the Trump administration, as I laid out here:

The company contributed \$1 million to the president’s inaugural committee, the Center for Public Integrity notes. In December, Dow Chemical Chairman and CEO Andrew Liveris attended a post-election Trump rally in the company’s home state of Michigan, and used the occasion to announce plans to create 100 new jobs and bring back another 100 more from foreign subsidiaries. Around the same time, Trump named Liveris chair of the American Manufacturing Council, declaring the chemical exec would “find ways to bring industry back to America.” (Dow has another reason beside chlorpyrifos’ fate to get chummy with Trump: its pending mega-merger with erstwhile rival DuPont, which still has to clear Trump’s Department of Justice.)

The Trump administration ultimately blessed the Dow-DuPont merger; Corteva was spun out of the combined company in 2018 as a standalone seed-pesticide firm.

Corteva's decision to halt pesticide sales came on the same day that California's ban on the chemical took effect. Generic versions will still be available to farmers in states where it's not banned. But its abandonment by its biggest marketer and champion will make the pesticide harder to come by, and could ultimately spell its demise, said Jennifer Sass, senior scientist at the Natural Resources Defense Council, in a statement. "This is a victory for our kids, farmworkers and rural communities nationwide," she said. "After years of pressure and increasing public concern, the end of chlorpyrifos is finally in sight."

Reuters

Corteva to stop making pesticide linked to kids' health problems

<https://www.reuters.com/article/us-corteva-agriculture-pesticide/corteva-to-stop-making-pesticide-linked-to-kids-health-problems-idUSKBN200231>

By Tom Polansek

CHICAGO (Reuters) - Corteva Inc will stop producing the agricultural pesticide chlorpyrifos by the end of the year, the company said on Thursday, removing the world's largest manufacturer of a chemical that has been linked to low birth weight, reduced IQ and attention disorders in children.

Corteva, spun off last year after a merger of Dow Chemical and Dupont, said declining sales drove its decision to end production and officials continue to believe chlorpyrifos is safe.

The company's move reflects a shift toward newer products in the \$14.5 billion global agrichemicals industry amid increased regulatory restrictions on chlorpyrifos, which is applied to crops from corn to cauliflower. Environmental groups have pushed regulators to ban uses of the 55-year-old pesticide over concerns it harms people and wildlife.

"We've made the difficult decision to stop our manufacturing of chlorpyrifos," Susanne Wasson, president of Corteva's crop protection business, told Reuters.

In the U.S., Corteva's biggest market for chlorpyrifos, demand is less than 20% of what it was during its peak in the 1990s, the company said. Industry sales were \$350 million in 2005, down 45% from 1990, according to Corteva.

By volume, estimated use dropped to under 5 million pounds in 2016 from about 13 million pounds in 1994, U.S. Geological Survey data show.

Corteva, which sells chlorpyrifos under the Lorsban brand, faces competition from generic versions. Farmers seeking to fight insects have also turned to other chemicals, genetically engineered crops and seeds coated with pesticides.

Demand for chlorpyrifos is expected to drop further amid regulatory restrictions, including an EU decision to ban uses of the pesticide, Corteva said.

On Thursday, manufacturers must stop sales in California under an agreement with the state, which says chlorpyrifos is harmful. California farmers cannot possess or use chlorpyrifos products after Dec. 31.

"Children and farm workers in California will no longer be exposed to this neurotoxic pesticide that can permanently impair the brain and nervous systems," said Ken Cook, president of Environmental Working Group, an activist organization.

The U.S. Environmental Protection Agency reversed a ban on chlorpyrifos use on farms under President Donald Trump, saying there was not enough evidence to link it to children's health problems.

Washington Post

Trump has kept this controversial pesticide on the market. Now its biggest manufacturer is stopping production.

<https://www.washingtonpost.com/climate-environment/2020/02/06/trump-kept-this-controversial-pesticide-market-now-its-biggest-manufacturer-is-stopping-production/>

By Brady Dennis and Juliet Eilperin

The main manufacturer of a pesticide used for decades on a wide array of crops, including strawberries, corn and citrus, said Thursday it will stop making the product, which some scientists have said is linked to neurological problems in children.

Corteva Agriscience, the nation's largest producer of chlorpyrifos, said the decision was driven by financial considerations, not safety concerns. "It's a tough decision for us to make, but we don't feel like it's viable going forward," Susanne Wasson, Corteva's president of crop protection, said in an interview. "It was a business decision."

The announcement came the same day that California, a leading agricultural state, made it illegal to sell chlorpyrifos. It is one of a growing number of states that have moved to block the pesticide from the market.

Corteva noted that demand for the pesticide, which it has sold for more than a half century, is less than 20 percent of what it was at its peak in the 1990s. Wasson added that the company stands behind the safety of the pesticide, which has been widely studied since it was first introduced in 1965. Farmers should still be able to use it as an important tool to fight certain pests, she said.

The announcement marks a victory for public health and environmental advocates, who have fought for years to ban chlorpyrifos, saying the compound poses unwarranted health risks, particularly to farm workers and children. But activists on Thursday said that fight would continue, given that other companies still produce the pesticide and the federal government has allowed it to remain on the market.

"We definitely see this as a win," Marisa Ordonia, a senior associate attorney for Earthjustice, an environmental group that has sued in federal court seeking to force the U.S. government to ban chlorpyrifos. "But we are still in the fight for a full ban, so that children and farm workers will no longer be exposed to it."

But the Trump administration has refused to ban the pesticide, arguing that the science linking chlorpyrifos to health problems, such as neurological impacts in children and respiratory problems in adults, remains unresolved and in need of further study.

Under President Barack Obama, the Environmental Protection Agency initially proposed revoking all uses of chlorpyrifos in 2015 after its scientists determined that existing evidence did not meet the agency's threshold of a "reasonable certainty of no harm." It later supported a ban on the use of chlorpyrifos on food — a response to a petition filed by the Natural Resources Defense Council and Pesticide Action Network North America. But the chemical industry has argued that the EPA relied on a flawed analysis, in part because it heavily weighted a single epidemiological study conducted by Columbia University.

Jim Aidala, a consultant for Corteva who served as EPA's associate administrator for pesticides and toxics under Bill Clinton, said in an interview that because the Obama administration made a decision on chlorpyrifos just before Trump took office, the science it relied on "never got fully vetted." The Agriculture Department also raised concerns about the methodology EPA scientists had used in determining that chlorpyrifos posed serious health risks. Facing a court-ordered deadline in March 2017, EPA's then-administrator, Scott Pruitt, rejected the agency's own analysis, citing a need to "provide regulatory certainty to the thousands of American farms that rely on chlorpyrifos." He argued at the time that the "public record lays out serious scientific concerns and substantive process gaps in the proposal."

But the push to ban the pesticide has continued.

"The science on chlorpyrifos is clear and unambiguous, and it has no place on our food or in our fields. With this announcement, the writing is truly on the wall," Sen. Tom Udall (D-N.M.), who is among more than a dozen senators to back legislation to ban chlorpyrifos, said in a statement Thursday. "The only question now is whether the Trump administration will finally stop doing the bidding of big corporations and start putting the health and safety of our children and farmworkers first."

The chemical compound has been used by farmers to kill pests on a wide variety of crops including broccoli, strawberries and citrus. The EPA banned its spraying indoors to combat household bugs more than a decade ago. But only in more recent years did the agency seek to halt its use in agriculture, after mounting concerns that prenatal exposure can pose risks to fetal brain and nervous system development.

In California, state health officials said their decision to ban chlorpyrifos came amid increasing scientific evidence that the pesticide "causes serious health effects in children and other sensitive populations at lower levels of exposure than previously understood." At the time, California Gov. Gavin Newsom (D) also proposed \$5.7 million to support the transition to "safer, more sustainable alternatives," according to the California Environmental Protection Agency.

Under an agreement reached last fall between the state and pesticide manufacturers, it became illegal on Thursday to sell the pesticide and growers will no longer be allowed to possess or use products with the chemical after the end of this year.

Removing chlorpyrifos from the toolbox of chemical agribusiness in California is the kind of aggressive action elected leaders must take to safeguard public health," Ken Cook, president of the Environmental Working Group, an activist group, said in a statement. "Farmworkers, children and other Californians will no longer be exposed to a dangerous chemical that can permanently impair the brain and nervous systems. If only President Trump's EPA had listened to its own scientists and not blocked a federal ban of chlorpyrifos, millions of other kids would enjoy the same protections."

In 2018, Hawaii became the first state to ban pesticides containing chlorpyrifos; its prohibition will take effect in 2022. New York lawmakers also approved legislation to ban the pesticide by late 2021. Gov. Andrew Cuomo (D) vetoed that legislation late last year, but directed the state's Department of Environmental Conservation to phase in a ban in coming months through a public rulemaking.

Other states, including Maryland, have proposed similar bans. The European Union is also phasing out the pesticide.

"Many of those are political decisions, not science-based decisions," Wasson said Thursday, adding that even as the company ceases production of chlorpyrifos, it plans to back the EPA in its ongoing legal fight to keep the pesticide on the market. "It's the right thing to do for farmers."

E&E News

Democrats look to tweak bipartisan carbon capture bill

<https://www.eenews.net/eedaily/stories/1062283881/>

Nick Sobczyk, E&E News reporter

House Democrats want to alter a bipartisan carbon capture bill before looking for a way to move it, after negotiations to include the legislation in the annual defense authorization fell apart last year.

The "Utilizing Significant Emissions With Innovative Technologies (USE IT) Act," H.R. 1166, which aims to unleash investment in carbon capture and storage (CCS) and give a research boost to the nascent direct air capture industry, is widely supported around Capitol Hill.

But at an Energy and Commerce Committee hearing yesterday, Chairman Frank Pallone (D-N.J.) and other Democrats raised concerns that the bill could help oil companies bolster production at their wells, the most common current use for captured carbon.

"While enhanced oil recovery is still the most profitable use for captured carbon, we will not make real progress in reducing climate pollution unless there is significant net storage associated with it," Pallone said at the Environment and Climate Change Subcommittee hearing on the bill.

The discussion came after Pallone helped strip a version of the "USE IT Act" from the National Defense Authorization Act late last year.

Sponsors of the Senate version, [S. 383](#), had pushed to include it in the yearly must-pass legislation. But Pallone and other Democrats reportedly questioned why it would be included in the NDAA before passing the House, on top of their substantive concerns ([E&E Daily](#), Sept. 24, 2019).

That's left supporters looking for a new vehicle to pass legislation that's been talked about for years as a bipartisan climate solution.

"There was another opportunity in the year-end spending bill," ranking member Greg Walden (R-Ore.) said at the hearing. "Unfortunately, the majority again said 'no,' so let's not let another opportunity slip by."

Subcommittee Chairman Paul Tonko (D-N.Y.) said there's no timeline yet for a markup, but he said Democrats have spoken with Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) as she looks to craft a broad energy package to bring to the floor in coming months.

E&C may also look to put together its own package of legislation, Tonko said, including various Department of Energy reauthorization and research bills the panel has already passed.

"I think what we're trying to do is get the best package together that covers all the jurisdictional areas of this subcommittee and committee, and then address it to the overall House leadership and see how it fits into the path for going forward," Tonko told reporters after the hearing.

'A good place to start'

The "USE IT Act" is intended to capitalize on the success of the 45Q tax credit for CCS enacted in the 115th Congress.

In the Senate, it draws many of the supporters of the tax effort, including lead sponsors Sen. Sheldon Whitehouse (D-R.I.) and Environment and Public Works Chairman John Barrasso (R-Wyo.). The House version is sponsored by Reps. Scott Peters (D-Calif.) and David McKinley (R-W.Va.), and more than 50 other lawmakers.

It would authorize \$35 million for a new direct air capture advisory board at EPA and provide prize money for demonstration and design projects.

Supporters and critics of the bill alike say emerging technologies to suck carbon from the air are crucial to limiting global warming to below the 1.5-degree Celsius threshold set by the U.N. Intergovernmental Panel on Climate Change.

The "USE IT Act" would streamline permitting for carbon dioxide pipelines to transport captured carbon from the sources to places where it can be employed for various uses, including enhanced oil recovery.

That's what drew concerns yesterday from some Democrats and one witness at the hearing.

"We're not opposed to the provisions in the 'USE IT Act' that support carbon utilization research. Of course science and technology are going to play a major role in addressing the climate crisis," John Noël, a senior climate campaigner with Greenpeace, told the panel.

"We do need a vision for carbon removal that is fully decoupled from oil production."

Pallone and Tonko said they are looking to tweak provisions in the bill related to permitting and enhanced oil recovery. They also want to give DOE, which has historically housed the federal government's CCS research, a bigger role.

Peters, however, argued enhanced oil recovery would be a near-term climate benefit, using an analogy to vehicle fuel efficiency standards.

Most Democrats support keeping Obama-era tailpipe regulations in place, but they are in a sense an acknowledgement that cars will be powered by fossil fuels in the near future.

"Even if today we decided that every car would be electric, it would take about 25 years for the fleet to turn over. So in the meantime, the capturing of CO2 for EOR [enhanced oil recovery] in the near term can reduce the carbon footprint of that oil and gas we will be using, so that's all to the good," Peters said. "It's not a panacea, it's not where we want to end, but it's a good place to start."

Political future

Still, Tonko said the concerns floated at yesterday's hearing showed why Democrats couldn't support the bill in defense negotiations last year.

That's all water under the bridge, but there's still a possibility that Democrats could make too many changes for Republicans to support, said Rep. John Shimkus (R-Ill.).

"There'll be some in the environmental community that don't want to use it for enhanced oil recovery, but stripping that out would make it difficult for us to support it," Shimkus said in an interview.

He was nonetheless optimistic that most Democrats won't want too many changes to the "USE IT Act," a prediction shared by one of the bill's sponsors.

Peters noted that the bill passed by voice vote out of the EPW Committee last year and is supported by Whitehouse — one of Capitol Hill's top climate hawks.

"I think we ought to be able to do something that's pretty close to what the Senate did so that we can get it passed," Peters said.

Bloomberg Environment

EPA Says Ex-Region 9 Chief Was Incompetent, Abused Travel

<https://news.bloombergenvironment.com/environment-and-energy/epa-says-ex-region-9-chief-was-incompetent-abused-travel>

By Stephen Lee

- Relieved for 'severe neglect and incompetent administration'
- Former chief says allegations are '100% untrue'

The EPA has fired back against its former chief in California, Nevada, and Arizona, accusing him of incompetence and abuse of travel privileges.

In response, Michael Stoker, former Environmental Protection Agency Region 9 administrator, told Bloomberg Law that the agency's allegations are "100% untrue" and challenged EPA political officials to take a lie detector test.

Stoker also said it's "more likely than not" that he will file a libel lawsuit against the agency over the allegations.

The quarrel is highly unusual at the EPA, which traditionally maintains cordial relationships with political appointees who leave or are dismissed from the agency.

Stoker was abruptly fired Wednesday morning. After earlier declining to provide reasons for his dismissal, the EPA said late Thursday night he was let go for traveling too much at the agency's expense without any business purpose.

"Although travel and accessibility to state partners in an important and expansive region like the southwest is vital, Mike was too interested in travel for the sake of travel and ignored necessary decision making required of a regional administrator," Corry Schiermeyer, an EPA spokeswoman, said in an email.

"Although EPA leadership repeatedly requested Mike to simply conduct the basic responsibilities of his job, we regretfully and ultimately after many requests had to relieve him for severe neglect and incompetent administration of

his duties,” Schiermeyer said. “His excuses and stories are simply all made up, and we cannot allow them to go without response.”

His EPA calendar, dating back to the start of his tenure in March 2018, lists events in cities such as Phoenix, Albuquerque, Las Vegas, Seattle, Honolulu, and Washington. The calendar also includes events in American Samoa, Palau, Guam, Saipan, and Tijuana, Mexico. All the listed events also describe EPA-related business.

Schiermeyer also said all regional administrators “work in a bipartisan way in their regions.” That comment is an apparent reference to a comment Stoker made in a letter to Region 9 staff about an EPA political staffer telling him “it wasn’t going unnoticed how many Democrat members in Congress were commending me for the job I was doing.”

‘An Outright Lie’

Stoker responded that, when he was interviewed by former EPA Administrator Scott Pruitt and recently departed Chief of Staff Ryan Jackson, both men specifically asked him if he would be willing to spend large amounts of time away from the office and traveling throughout the region, which also spans Hawaii, the Pacific Islands, and 148 federally recognized tribes.

“They said, ‘We want a regional administrator who’s going to be out in the field where the problems are. Are you willing to do that?’” Stoker said. “I have never had a conversation ever about my schedule. Nobody has ever talked to me about ratcheting down my schedule.”

Stoker called the EPA’s statement “an outright lie.”

“I will take a polygraph test and they can provide whoever they want in HQ to take a polygraph test,” he said. “Whoever they provide will flunk that test.”

Stoker was chairman of the California Agricultural Labor Relations Board from 1995 to 2000, and California deputy secretary of state from 2000 to 2002. He also served as director of government affairs for UnitedAg, California’s second-largest agricultural association.

Deborah Jordan, a longtime career EPA official, will become the agency’s acting deputy regional administrator, EPA Administrator Andrew Wheeler wrote in an email to employees.

In a letter to Region 9 employees, Stoker said that “too many clashes between myself and leadership in HQ over policy and non-policy items (when I was given advance notice which often was not the case) ultimately played a significant role” in the EPA’s decision.

He also said he felt his dismissal was “was 100% personal.” The EPA has denied that charge.

E&E News

Ousted Region 9 head lashes out over firing

<https://www.eenews.net/greenwire/2020/02/07/stories/1062289941>

Kelsey Brugger and Kevin Bogardus, E&E News reporters

Ousted EPA Region 9 Administrator Mike Stoker declared last night that his firing was “100% personal” and that his bosses lied about their reasons for his sudden dismissal.

Stoker admitted that he regularly clashed with EPA’s Washington leadership, namely Doug Benevento, the associate deputy administrator. EPA rejected those claims, saying Stoker showed “severe neglect” for his basic responsibilities as regional administrator.

Stoker said in an interview with E&E News that when Benevento and outgoing Chief of Staff Ryan Jackson called his Santa Barbara, Calif., home to fire him at 8 a.m. Wednesday morning, they declined to give him a reason. He said he remains “in the dark.”

The California Trump loyalist and die-hard Grateful Dead fan admitted his demeanor may have been too "aggressive" for Benevento, a powerful figure at EPA since he joined the agency nearly a year ago. "We have personalities that clash," Stoker said. "I may be more aggressive than he likes."

As such, Stoker declined to offer his resignation without a justification and instead demanded to be fired.

"I think they were in shock," he said. "They are so used to people who don't want their resume tainted. I don't care, you want to fire me? Fire me. They are not used to dealing with people like me."

A gregarious 64 year old, Stoker has engaged in a very public strife with his former bosses since that call.

Yesterday, he drafted a sharply worded open letter to his former staff speculating that his firing was "100% personal," even though he was told otherwise. Within minutes of that call, "my EPA phone and laptop were disabled," he said.

He floated the idea that he had earned too much praise from several Democratic lawmakers, including House Speaker Nancy Pelosi (D-Calif.). An EPA spokeswoman replied that all regional administrations "work in a bipartisan way."

A longtime Santa Barbara Republican and agriculture attorney, Stoker campaigned proudly in 2016 for Donald Trump, even in his deeply blue California beach town. He has been credited with coming up with Trump's campaign chant of "Lock her up."

Trump initially nominated him to head the Federal Mediation and Conciliation Service, but in May 2018 appointed him to lead EPA's Pacific Southwest region, overseeing California, Nevada, Arizona, Hawaii and the Pacific Islands. The office has about 700 staffers.

For nearly two years, Stoker frequently traveled for the job and at times worked out of the region's Los Angeles office, about a two-hour drive from his Carpinteria home. EPA employees have said Stoker was not often seen in Region 9's main office in San Francisco. He said former EPA Administrator Scott Pruitt agreed to those terms in his initial job interview.

Stoker rejected the notion that his many trips throughout the region prompted his firing.

"Something radical would have had to happen to call up a regional administrator in an election year and say, 'You are done,'" he said. "Did the White House order it? I have no clue. I didn't get arrested for spousal abuse or drunk driving."

It would have been less shocking, Stoker said, had Benevento called him up after the November election and said, "You and I have personalities that clash. We are not on the same page."

He said he even told his wife that he expected that conversation. "But big things like this don't happen in an election year," Stoker said. He declined to say exactly what policy matters he and Benevento disagreed on.

Since his firing, speculation has abounded that his congenial relationship with Pelosi got him in the crosshairs with the White House. The San Francisco Democrat has sent him two letters thanking him for his work at Hunters Point, a polluted shipyard in the Bay Area. Those letters, he said, hung in his San Francisco office.

Stoker has heard rumors that Pelosi's act of tearing up Trump's State of the Union speech earlier this week prompted the White House to banish all Pelosi buddies from the administration. But he expressed skepticism. "I don't believe that," he said, adding, "It could be true. Nothing makes sense."

He said yesterday he spoke to Pelosi's chief of staff, Robert Edmonson, who affirmed their solid working relationship. Pelosi's staff confirmed Stoker spoke with its office yesterday.

Stoker did not hesitate to flaunt his frequent EPA trips, regularly posting on Facebook about his travel throughout the Pacific region, including Guam.

In December, he showed the EPA Region 6 and 7 administrators, Ken McQueen and Jim Gulliford, respectively, the Reagan Ranch Center in Santa Barbara County, according to pictures posted online. "You can honestly feel the humbleness of truly one of our country's greatest Presidents ... President Ronald Reagan," he wrote.

EPA: Stoker's stories 'simply all made up'

After Stoker's letter was released, EPA refuted the claim that his firing was personal and instead blamed his frequent travel.

"Although travel and accessibility to state partners in an important and expansive region like the Southwest is vital, Mike was too interested in travel for the sake of travel and ignored necessary decisionmaking required of a regional administrator," said EPA spokeswoman Corry Schiermeyer.

"Although EPA leadership repeatedly requested Mike to simply conduct the basic responsibilities of his job, we regretfully and ultimately after many requests had to relieve him for severe neglect and incompetent administration of his duties," Schiermeyer said. "His excuses and stories are simply all made up, and we cannot allow them to go without response."

But in the past, EPA has defended Stoker's travel as regional administrator.

In March 2019, the EPA Office of Inspector General issued a "management alert" scrutinizing Stoker's trips. The report found he spent about 20% of his time, or 30 out of 145 workdays, in San Francisco. More than 600 employees, or 90% of the staff he manages, are based in Region 9's main office there.

Jackson said Stoker's frequent travel was expected of him, telling E&E News at the time that his work was "very portable."

"We think it is very appropriate for him to work out of any of the offices in Region 9," Jackson said (E&E News PM, March 21, 2019).

About three weeks after that IG report, Jackson changed Stoker's "duty station" — essentially his workplace — from San Francisco to LA. That was closer to the Region 9 chief's home in Santa Barbara County and something Stoker had long sought at EPA.

EPA, too, defended the change when E&E News reported on the shift last November, citing records obtained under the Freedom of Information Act (Greenwire, Nov. 26, 2019).

"EPA carefully evaluated Regional Administrator Stoker's schedule, travel, and work for the past year and where a suitable duty station for him should be," EPA spokesman Michael Abboud had said.

"Mr. Stoker spends part of his time in EPA offices in California and the rest traveling between the 8 time zones and 148 tribes that encompass Region 9, serving its 50 million residents with 22 million in Southern California alone," Abboud added.

The pilot program that shifted Stoker's workplace to LA might have been coming to an end soon. Instituted in April last year, Jackson said he would determine whether to continue it after a year, according to a memo he drafted.

Stoker's public calendar, current as of Jan. 31, lists him last in San Francisco for a series of meetings Jan. 7 through Jan. 9. EPA employees said Stoker hosted a "Q&A session" there on Jan. 8, according to an email obtained by E&E News.

Stoker said in a text that he was last in San Francisco on Monday.

Since his firing, Stoker said his former staff has been banned from talking to him.

"I'm in isolation right now," he said. "My Region 9 employees are calling me up on their private cellphones."

LA Times

Ousted EPA official in California says he was pushed out for being too bipartisan

<https://www.latimes.com/california/story/2020-02-06/dismissed-epa-official-suggests-bipartisanship-killed-his-job>

By SUSANNE RUST

Abruptly dismissed from office Wednesday, the Environmental Protection Agency's top official for California and the Pacific Southwest speculated he was terminated because of his congenial relationship with Democratic politicians.

In a statement released Thursday, and provided to The Times, former Trump administration appointee Mike Stoker said, "last time I checked, the EPA's mission to protect the public health and environment is not a partisan issue ... at least it never has been for me."

Stoker was appointed head of Region 9, which includes California, Nevada, Arizona, Hawaii, the Pacific Island Territories and 148 American Indian tribes, in May 2018.

On Wednesday at 8 a.m., he received a phone call at home from EPA Chief of Staff Ryan Jackson and Associate Deputy Administrator Doug Benevento informing him of his immediate termination.

When he asked for a justification, "there was a long pause" and he was told it wasn't personal, Stoker said. Within minutes, his phone and laptop were disabled.

A spokesman for the EPA would not comment on the reasons for Stoker's dismissal.

Stoker said three weeks ago he was warned by a senior EPA official that "it wasn't going unnoticed how many Democrat members in Congress were commending me for the job I was doing."

Stoker noted that several Democratic politicians had praised his work, including House Speaker Nancy Pelosi (D-San Francisco), Rep. Tom O'Halleran (D-Ariz.), Rep. Scott Peters (D-San Diego) and Rep. Tulsi Gabbard (D-Hawaii). He pointed to his work on the cleanup of Hunters Point in San Francisco, addressing transboundary sewage in the San Diego-Tijuana corridor, and his focus on transuranium waste in Arizona and coral reefs in Hawaii.

How will artificial intelligence impact intel analysis and, specifically, the intelligence community workforce?

In addition to his friendliness with Democrats, Stoker suggested there could have been other reasons for his dismissal. He said there were "a lot of specific situations that someday I will reveal but that day will not occur while the president is still in office. I was appointed by the president and I remain loyal to the president."

In an email sent to Region 9 staff members Wednesday afternoon, EPA Administrator Andrew Wheeler wrote, "I would like to thank Mike Stoker for his service to the EPA."

He then added, "I wish him and his family the best in their future endeavors."

Deborah Jordan, the region's deputy administrator, will take over as acting head. She has been deputy administrator since 2016. Before that, she worked on Clean Air Act regulatory matters for EPA headquarters and Region 9.

Stoker's tenure was mired in controversy. In 2018, a few months after he was appointed regional administrator, a "hotline" complaint was filed with the EPA's inspector general regarding his infrequent visits to the region's main office in San Francisco.

In March 2019, the EPA's inspector general issued a "management alert." It showed that Stoker spent only 20% of his time in San Francisco, where 90% of the staff is based.

Three weeks later, according to reports from E&E News, Jackson instituted a yearlong "pilot program," allowing Stoker to switch his duty base from San Francisco to Los Angeles.

Stoker was an avid Trump supporter, and is rumored to be the mastermind of the "Lock her up!" chant that was shouted at countless rallies in opposition of Hillary Clinton's campaign.

Stoker confirmed he was the likely provenance of the rallying cry, noting in 2016 he spurred California delegates to yell it on the floor during Gov. Chris Christie's speech at the Republican National Convention.

"I never heard it said before that," he said.

Jeff Ruch, director of the Pacific region of Public Employees for Environmental Responsibility, an advocacy organization for government employees working on environmental issues said that it was unlikely Stoker would be replaced by a permanent regional head, "given the long time it took to fill this regional administrator slot and the tendency of the current administration to leave top positions vacant."

He added that while the lack of permanent leadership was problematic in some area of government, "that will not be the case here as Stoker's short tenure was undistinguished by any concrete accomplishment."

Serge Dedina, mayor of Imperial Beach, however, said Stoker was an environmental champion for his city and the cleanup of the Tijuana River.

"From Day One, he made clear it [the river] was a priority," Dedina said, describing Stoker as a "beach guy" who had an appreciation for the coastline and estuaries of Southern California. "I'll always be grateful to him."

Before taking the regional administrator job, Stoker served as director of government affairs for UnitedAg, one of California's largest agricultural associations. According to his EPA biography, he was also a member of Santa Barbara County's Board of Supervisors from 1986-1994, chairman of the California Agricultural Labor Relations Board from 1995-2000, and California deputy secretary of state from 2000-2002.

In a statement, San Diego congressman Peters said he was surprised by Stoker's sudden removal, and urged the administration to quickly appoint someone "who has a substantial understanding of the problems our region faces."

E&E News

Greens blast DuPont's purchase of PFAS cleanup companies

<https://www.eenews.net/greenwire/2020/02/07/stories/1062289213>

Ariana Figueroa, E&E News reporter

A corporation that uses and produces chemicals that contaminate drinking water across the U.S. recently acquired four companies that can remove the ubiquitous toxins from tap water.

DuPont Co.'s move to buy four companies that specialize in filtering chemicals like per- and polyfluoroalkyl substances, or PFAS, has angered advocates and communities that say it is unjust for the company to profit off the contamination twice.

DuPont bought Desalitech Ltd. located in Massachusetts, Inge GmbH based in Germany, Memcor based in Australia and OxyMem Ltd. located in Ireland. The water purification companies specialize in ultrafiltration, ion exchange treatment and reverse osmosis. DuPont did not disclose the cost of each company.

One of the most effective techniques for removing PFAS from drinking water is reverse osmosis, according to researchers at the Environmental Working Group, a watchdog health organization. Other treatments include activated carbon, ion exchange and high-pressure membranes, such as nanofiltration.

EPA also recommends using reverse osmosis to remove PFAS chemicals because the process is "more than 90 percent effective at removing a wide range of PFAS, including shorter chain PFAS."

PFAS, a class of more than 5,000 chemicals once championed for their nonstick properties in cookware and used in firefighting foam, are now linked to multiple health problems such as high cholesterol, thyroid issues and some cancers. The chemicals, which have contaminated the environment and drinking water across the U.S., don't break down and bioaccumulate.

DuPont used the chemicals in its Teflon cooking products.

In a January company announcement, DuPont said the four acquisitions will help meet consumer needs for technology to "recycle water while reducing the energy requirements to generate clean water."

Hara Prasad Nanda, global vice president and general manager for DuPont Water Solutions, said in a statement that water scarcity is a growing problem around the world.

"As a global leader in innovative water technologies, we are continually expanding our technology portfolio of high-quality solutions to help our customers purify, conserve and reuse this precious resource," Nanda said.

DuPont Water Solutions is a division of DowDuPont Inc. that focuses on water filtration. A plant was opened in Jubail, Saudi Arabia, in 2018.

Of the four companies that will be added to DuPont Water Solutions, Memcor and Inge GmbH focus on ultrafiltration while Desalitech Ltd. provides closed-circuit reverse osmosis. OxyMem Limited focuses on the treatment and purification of municipal wastewater.

DuPont's acquisitions have angered advocates and communities dealing with contamination.

"We really think it's ridiculous and ludicrous that they can go from contaminating water supplies around the world to trying to profit off that contamination," said David Andrews, a senior scientist at EWG.

Andrews added that installing and maintaining a reverse osmosis water filter can be expensive. Installation for one filter in a home can cost about \$300 and maintaining the filter can range from \$80 to \$100, which can be a financial burden for low-income families.

"Ultimately, they should be providing these filters to anyone who has previously purchased their products," he said.

Interlochen Public Radio

EPA starts new cleanup of Charlevoix pollution — 30 years after saying it would clean itself

<https://www.interlochenpublicradio.org/post/epa-starts-new-cleanup-charlevoix-pollution-30-years-after-saying-it-would-clean-itself>

By KAYE LAFOND

The City of Charlevoix is known for its beaches, lighthouse and fishermen. The Anishinaabe call it "Zhingwak Ziibing" or "Pine River."

It's less well known as a superfund site.

Pollution was first discovered in the city's groundwater in 1981. The city quickly switched to Lake Michigan drinking water, as legal restrictions were put on the groundwater.

After the switch, state and federal agencies said the pollution was handled.

Decades later, the U.S. Environmental Protection Agency went back and found they have more cleanup to do. One woman could lose her family home in the process. Charlevoix's residents are trying to make sense of a problem that many thought was already solved.

Barbara Godwin-Chulick bought her two-story building in downtown Charlevoix in 1980. She says it was perfect.

"It had the commercial frontage which grandfathered in that I could have a shop and a studio for my pottery," says Chulick. "I could develop apartments that would be income property, because as a potter you're usually not making a lot of money. So, I felt like I was really doing pretty well."

She knew there had been a dry cleaning business in her building, but she didn't think anything of it at the time.

"A year later, it was a knock on the door from the local health department guy and a guy from the DNR," she says. "That began almost 40 years of not knowing what was gonna happen next."

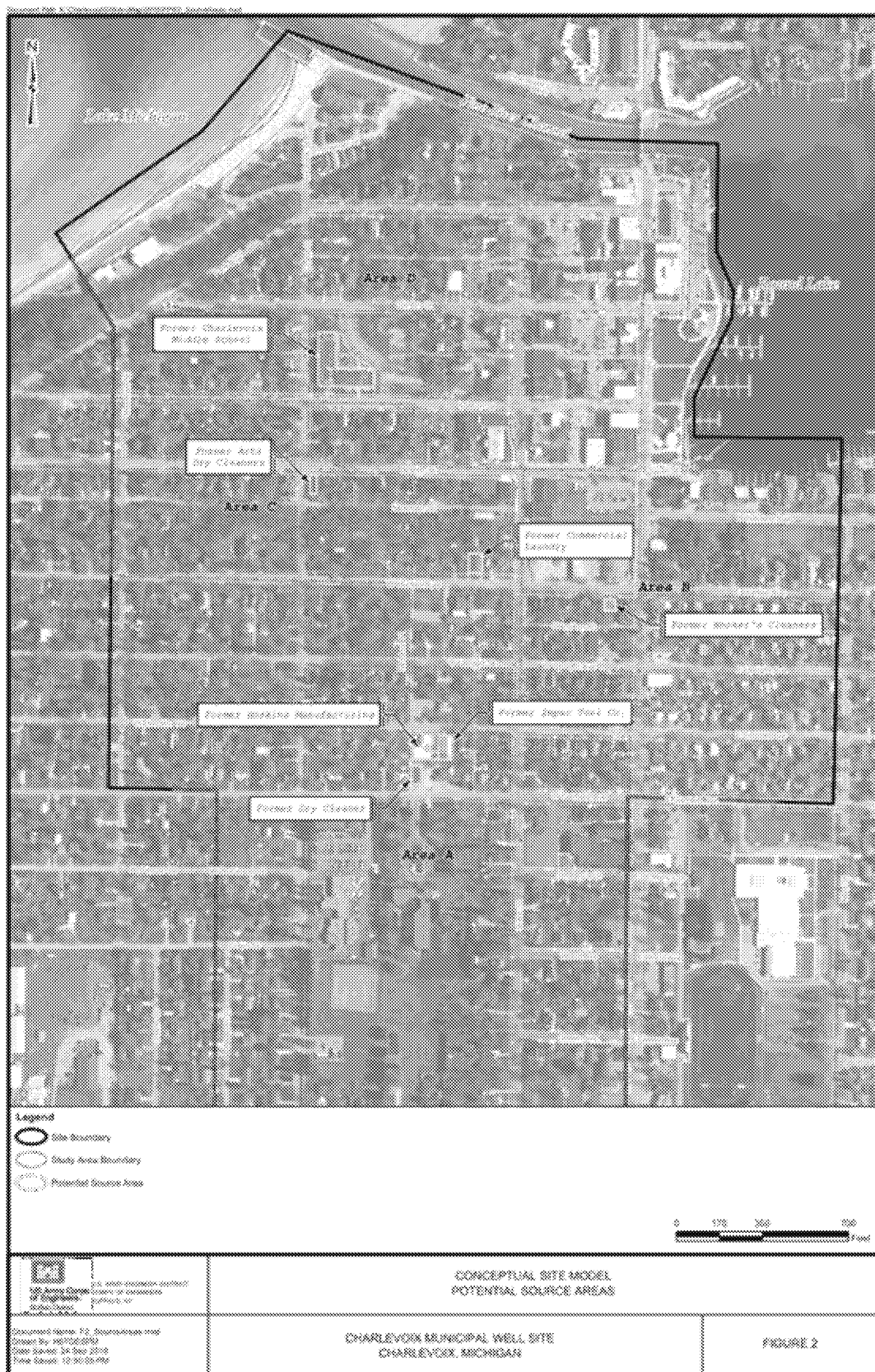
Officials told Chulick that the dry cleaner had disposed of a cancer-causing chemical known as PCE (short for tetrachloroethylene) on the property. The soil and groundwater underneath her home were contaminated.

Now, in the next few years, Chulick has to decide whether or not to demolish the building where she, her daughter and granddaughters live.

This should do the trick

It all started in a pre-regulation era, when several dry cleaners and a tool shop in Charlevoix used and dumped industrial solvents on their properties.

In the 80s, plumes of PCE and its chemical cousin, TCE, were found in Charlevoix's groundwater. The city's municipal well, contaminated with TCE, was declared a Superfund site.



The EPA built the city a roughly three-million-dollar plant so they could get drinking water from Lake Michigan. Laws were made prohibiting drinking water wells in the area. Charlevoix was taken off the Superfund National Priorities List in 1993.

Michigan Gov. James Blanchard initially disagreed with how the EPA was handling Charlevoix. He wanted them to treat the groundwater, but he eventually accepted their decision not to.

The PCE under Chulick's home and other source properties was considered separate from the TCE in the city's well. The state of Michigan ended up doing treatment at those sites, but it only reduced the level of contamination.

"They did some kind of treatment," says Chulick. "[They] said to us 'Well, this should do the trick. We will keep coming back and checking on it and taking more samples.'"

She had to trust that, because moving was never an option for her. She raised her family in the building.

We didn't know

When Charlevoix was removed from the National Priorities List, scientists said the groundwater should self-clean within 50 years. It didn't.

Then came advances in science. We learned that pollution left in the ground can still harm people, even if they don't touch soil or use the groundwater.

Toxic chemicals can come into buildings, in the form of vapors, through cracks in foundations and basements. It's called vapor intrusion, and the EPA detected it in Charlevoix.

They've equipped 16 buildings in town, including Chulick's, with vacuum systems that keep vapors from entering.

They've also found more contamination, including a pool of PCE 16 feet beneath Chulick's home. They want to tear down her building, compensate her for its value, remove all of that contaminated soil and give her back a vacant lot.

She's worried she won't be given enough money to build a new home and worries about her family's health after they lived on the site for decades.

"This whole situation, I feel like I wanna just do it all over again," says Chulick. "I wish I could have been way more proactive instead of feeling invaded."

Chulick could decide not to have her home demolished, but then cleanup would take longer. The pollution under her building affects her neighbors.

Nobody from the EPA was available for an interview, despite numerous requests from IPR.

Nic Dawson is a project manager for the site with the Michigan Department of Environment, Great Lakes and Energy. They're working closely with the EPA.

He says that, yeah, back in the 90s, they didn't know about vapor intrusion and they couldn't find this other contamination.

"As soon as we knew about that and were privy to any issues, we took immediate action," says Dawson. "That's happened on other sites too. Once you know about it and the technology's there, we go after it."

More work to do

The EPA's new proposed cleanup for all of Charlevoix will cost more than \$15 million. In addition to Chulick's home, they want to demolish two other commercial buildings downtown in the next three years.

In November of 2019, a 30-day public comment period opened on the EPA's new cleanup plan. According to Mark Heydlauff, Charlevoix's city manager, there was lots of confusion about it at a public meeting in December.

"The sense I have is that this is a thing that everybody thought was cleaned up 30 years ago," he says.

Heydlauff calls the EPA's communication with residents before that meeting "lackluster."

"They cited at their first public meeting that sometimes the mail doesn't work well in northern Michigan, which I consider to be a slap in the face to all of us up here," he says.

Heydlauff wrote a letter to the EPA urging them to keep public comment open until this January so Charlevoix residents could "more thoughtfully engage."

"I had very good conversations with Senator Stabenow's office and Senator Bergman's office," says Heydlauff. "Thankfully the EPA extended the public comment period on into, here in January. I think it's closed now."

The agency also held an open house in January.

Local pastor Greg Briggs has been dealing with the EPA — they're testing in his church. He says they were helpful and answered his questions. He also thinks they were responsive to pushback they got at the meeting.

"Part of it is just the natural shock of the community saying "we thought this was taken care of a decade ago," says Briggs. "You can never adequately talk enough about something when it's like, no, we have more work to do."

He thinks it's a hard thing to talk about, partially because the town's image is so tied up with beautiful bodies of water.

"It's hard when a place is viewed as being so ideal, to hear that it's not as perfect as we want it to be," he says.

Briggs says the EPA encouraged the formation of a citizens' group. Barb Chulick says now, at least, she feels less alone. She still hasn't made a final decision on her house.

"I'm really just so grateful that this is being addressed and getting handled," says Chulick. "Finally. FINALLY."

The EPA says if they can execute their cleanup plan the way they want, the groundwater should completely recover in 35 years.

In the meantime, if you're thinking of a visit: Charlevoix's drinking water comes from Lake Michigan and is safe. The EPA, the state and the local health department monitor buildings for vapor intrusion, and if they find it, they install systems to protect their occupants.

E&E News

Plastics industry spends millions to boost recycling

<https://www.eenews.net/eedaily/stories/1062282703/>

Timothy Cama and Ariana Figueroa, E&E News reporters

Facing increased pressure over the environmental impact of plastics, companies that make and use the materials are ramping up their efforts to lobby the federal government to boost recycling.

The plastics industry and its allies are doubling down on recycling, pushing for industry-friendly legislation on the matter while advocating against efforts backed by some Democrats and environmentalists to reduce the production and use of single-use plastics such as drink bottles, which would cut into the materials' demand.

Lobbying disclosures filed with Congress show that dozens of companies and associations have ramped up their advocacy spending on plastic recycling recently, with filings from the final quarter of 2019 showing a notable spending increase.

The push comes as Sen. Tom Udall (D-N.M.) and Rep. Alan Lowenthal (D-Calif.) prepare to unveil legislation Tuesday, after months of gathering public input, meant to reduce the use of plastic packaging in an effort to stem the growing plastic pollution problem (*E&E Daily*, July 19, 2019).

Groups and companies including the American Chemistry Council, Dow Chemical Co. and the American Beverage Association disclosed lobbying against the proposals.

The lobbying is part of an all-out national, state and local campaign by the plastics industry and its allies to encourage and improve recycling and denounce efforts by opponents to cut plastic use, which would hurt the industry.

As such, industry supports other measures before Congress that aim to increase recycling of plastic and not just eliminate it.

The "Realizing the Economic Opportunities and Values of Expanding Recycling (RECOVER) Act" is sponsored by Reps. Tony Cárdenas (D-Calif.) and Larry Bucshon (R-Ind.). H.R. 5115 would provide \$500 million for state and local governments to improve their recycling systems and education about how residents can recycle.

The "Recycling Enhancements to Collection and Yield Through Consumer Learning and Education (RECYCLE) Act" is sponsored by Sens. Rob Portman (R-Ohio) and Debbie Stabenow (D-Mich.). S. 2941 would create an EPA program to educate individuals about how to recycle.

Both measures enjoy strong industry support.

"We think improving the plastics recycling system is a very important thing to do," Keith Christman, managing director for plastic markets at the American Chemistry Council, told E&E News.

'Increase greenhouse gases'

Christman cited research showing that plastics have a lower environmental impact than alternatives including paper, glass and metal across the board, largely because plastics can be lighter, reducing the fuel needed to transport it.

"The idea of reducing plastic production fundamentally starts from the argument that alternatives are better, but they have higher environmental impacts," Christman said.

"The reality is the things you are going to use instead, in most cases, increase greenhouse gases and other environmental impacts. Often, they're no more recyclable or recoverable in the current recycling system."

Recycling could reduce the growth in demand for virgin plastics, but it wouldn't hurt the market for plastic products like other competing measures seek to do.

ACC spent a total of \$2.17 million lobbying federal officials in the fourth quarter of 2019, higher than the \$1.94 million it spent in 2018's fourth quarter, on various issues, including plastic recycling policies.

Other big spenders lobbying on plastic recycling include Dow and the American Fuel & Petrochemical Manufacturers. The petrochemical group has been paying Khalil Saliba, an outside lobbyist, \$10,000 per quarter, and he has been focusing exclusively on plastic recycling issues since the first quarter of 2019.

The American Beverage Association, which represents companies including Coca-Cola Co., PepsiCo Inc. and Keurig Dr Pepper Inc., spent \$330,000 on lobbying for various issues in the fourth quarter, an uptick from \$320,000 in the same quarter in 2018.

The group has made recycling a central issue in its public-facing advocacy, including the Every Bottle Back campaign, with a goal to recycle every plastic bottle the industry sells.

Some organizations started lobbying in 2019 to specifically advocate on Udall and Lowenthal's unIntroduced plastics package.

The Glass Packaging Institute registered to lobby in September 2019 and spent \$40,000 to lobby on the yet-to-be-unveiled plastics package.

'Utter failure'

The increase in lobbying efforts on Capitol Hill comes as no surprise to Judith Enck, a former Obama administration EPA official and founder of the Beyond Plastics campaign, which aims to end plastic pollution (*Greenwire*, Jan. 3).

"The petrochemical industry is feeling pressure to have an answer, and what they fail to understand is that it is an established fact that plastics recycling has been an utter failure," she said.

Enck said that concern about "plastics pollution is at an all-time high" after China stopped accepting waste from Western countries in 2017.

"I think that some of the [public relations] people for the plastics industry think they can hide behind the good reputation of recycling," she said.

John Hocevar, director of Greenpeace USA's oceans program, said the focus on recycling is a distraction and that the environmental impacts of plastics — including water pollution from items that don't get processed properly, air pollution from manufacturing the materials and impacts from producing the petroleum that is needed to create them — cannot truly be solved without reducing production. This isn't a problem that we can recycle our way out of.

"This isn't a problem that we can recycle our way out of," he said.

Greenpeace supports the effort by Udall and Lowenthal, particularly its anticipated proposal to put a national, refundable fee on packaging that can be recycled, like the bottle fees in some states.

"If we are able to simultaneously reduce production of most types of single-use plastic, which are not recyclable, and increase recovery rates of materials that are not recyclable, then that will go a long way to improving our waste management system," Hocevar said.

Another major provision in the Udall-Lowenthal legislation would put a moratorium on new plastics production facilities.

"Up until now, the plastics industry development has grown phenomenally over the last 10 to 20 years, and it's expected to continue to grow at a rapid rate unfettered and unchecked," Lowenthal told E&E News.

He added that while these companies are pushing for an emphasis on recycling plastics, most waste is not recycled and single-use plastic needs to be curbed. The United States recycled only 8.4% of plastic waste in 2017, according to EPA's most recent recycling data.

Lowenthal said he knows plastic and petrochemical companies will lobby hard against his proposal. But he hopes to have bipartisan support for the measure and is betting that some environmentally focused Republicans could sign on.

"The polluters [need to] pay," he said.

'Many solutions'

While Cárdenas acknowledged that reducing the use of single-use plastics would be ideal, he said his legislation, the "RECOVER Act," takes real steps forward.

"Anytime human beings have good or bad habits, it's almost impossible to change overnight. So anything we can do to improve any habits that we have and transition into the best habits, best practices, that's the way it should be," he said.

"I'm not one to kid myself into believing that we can pivot 180 degrees overnight. So I believe that the bill is one of the many solutions."

In addition to the allies on the Hill, the plastics industry has been pushing its pro-recycling message in the Trump administration and has found a receptive audience.

As part of its "America Recycles" effort, EPA promoted America Recycles Day last year, and Administrator Andrew Wheeler toured a Virginia recycling facility and hosted an innovation fair in connection with it. He committed to setting national, voluntary recycling goals in 2020.

In 2018, Wheeler signed on to a pledge to improve the country's recycling system with 44 other entities, including municipal agencies, companies and coalitions, to improve the nation's recycling system.

And at the Department of Energy, officials signed a memorandum of understanding with ACC meant to spur innovation in plastics recycling, including improving post-recycling uses.

'Public relations and lobbying'

The recycling message matches the strategy of plastic advocates in many state policy battles.

The American Recyclable Plastic Bag Alliance, a recent rebranding of the American Progressive Bag Alliance, has pushed back against proposals to ban or restrict plastic grocery bags at the local, state and federal levels and has begun its own recycling campaign.

The group is backed by plastic bag manufacturers and the recycling industry and has set a goal of reaching a 95% recycling rate for plastic bags by 2025.

However, the recycling rate for plastic bags — along with snack packaging and wraps — is about 9%, according to EPA's recycling data that showed out of 4.1 million tons of plastic bags, snack packaging and wraps, 390,000 tons was recycled.

Enck added that only a handful of recycling companies actually repurpose plastic bags, such as Revolution Bag in California, and companies that produce materials to make plastics, like Dow and Exxon Mobil Corp., will support those recycling efforts.

"They're not spending much money on [recycling] other than public relations and lobbying," Enck said.

The Ritz Herald

U.S. EPA, CENTRAL COAST GROWERS, FEDERAL & STATE PARTNERS JOIN HEALTHY SOILS DIALOGUE

<http://ritzherald.com/u-s-epa-central-coast-growers-federal-state-partners-join-healthy-soils-dialogue/>

Yesterday, in Santa Ynez, the U.S. Environmental Protection Agency (EPA) met with federal and state agencies and leaders from the region's agriculture and food production industries to make progress on on-farm composting. Representatives from Central Coast farm and producer organizations joined a roundtable discussion with representatives from EPA, the U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS) and the California Department of Food and Agriculture (CDFA).

The roundtable focused on enhancing communication with [Central Coast growers](#) on healthy soil practices and sharing lessons learned from environmental successes. Participants heard from growers to better understand barriers to implementation of healthy soils practices. The agencies also announced the launch of a new multi-agency workgroup that will address permitting challenges and create incentives to support on-farm composting.

“Meeting with local farmers is an opportunity for EPA to listen, learn, and develop new approaches to environmental challenges,” said EPA Pacific Southwest Acting Regional Administrator Deborah Jordan. “We are excited to announce the creation of the interagency On-Farm Compost Work Group, which will support California’s farmers, ranchers, and food producers and help bring about more efficient ways to work together as stewards of our natural resources.”

“We are excited to announce the launch of the On-Farm Compost Work Group. This group of 15 federal, state, and regional agencies are committed to supporting California’s agricultural community in their efforts to improve soil health,” said CDFA Secretary Ross. “Healthy soil is key to sequestering atmospheric carbon while improving nutrient management, water management, and agricultural productivity.”

“Healthy soils are the foundation of a productive agricultural system and a key part of our efforts to fight climate change,” said California Secretary for Environmental Protection Jared Blumenfeld. “California’s EPA looks forward to working with our local and federal colleagues in supporting our state’s farmers and ranchers in adopting carbon farming practices.”

“I am very pleased that we will have stakeholder input from the very beginning,” said NRCS State Conservationist in California Carlos Suarez. “Our farmers and ranchers have always been very conservation-minded and understand very well the value of good land stewardship.”

The On-Farm Compost Work Group, co-led by CDFA, NRCS, California Environmental Protection Agency, and U.S. EPA, will include 15 federal, state, and regional agencies. The group will develop a regulatory pathway to address permitting challenges and create incentives for on-farm composting in order to decrease nutrient loading, reduce agricultural burning, and improve soil health.

Bloomberg Environment

EPA Lawyer Foresees Nagging Regulatory ‘Patchwork’ on Water Rule

<https://news.bloombergenvironment.com/environment-and-energy/epa-lawyer-foresees-nagging-regulatory-patchwork-on-water-rule>

By Ellen Gilmer

- Trump regulation faces uncertain legal landscape
- New lawsuits expected soon

A patchwork of federal water regulations could be ahead, with different standards in place in different states, the EPA’s top lawyer said Friday.

Speaking at an environmental law conference, General Counsel Matthew Z. Leopold touted the Trump administration’s new Navigable Waters Protection Rule, which narrows the types of wetlands and waterways subject to federal oversight under the Clean Water Act.

The point of the regulation, he said, is to stay out of states’ lanes and provide clarity to industry and landowners. But, he acknowledged, a messy landscape of lawsuits over various Environmental Protection Agency efforts to define “waters of the United States,” or WOTUS, under the law “means there’s potential for patchwork in jurisdiction around the country.”

Cases are pending on multiple levels. State and industry challenges to the Obama administration’s Clean Water Rule, which swept a broader set of wetlands and waterways, are still pending in federal district courts and appellate courts.

‘Interesting and Novel Questions’

A new set of cases from environmental groups, landowners, and states were launched last year targeting the Trump administration’s repeal of the Obama regulation. New lawsuits focused on the replacement rule will roll in as soon as it is published in the Federal Register later this month.

Leopold noted that he uses a “giant spreadsheet” to keep track of all the cases.

"There are interesting and novel questions that are going to arise on the interplay between all of these," he said at the event organized by the American Law Institute and Environmental Law Institute.

The unfortunate reality, he said, is that the Supreme Court in 2018 ruled that challenges to the EPA's WOTUS definition belong in federal district courts.

That means different judges can reach different conclusions about the legality of the agency's actions, and it could take years before all the litigation runs its course and the status of EPA water jurisdiction is clear.

"That's what we've been trying to avoid, and we'll just have to see how it plays out as time moves on," Leopold said. "Our goal certainly is to get our replacement definition litigated and through the courts."

E&E News

EPA lawyer: WOTUS rule tackles 'tortured' legal history

<https://www.eenews.net/greenwire/2020/02/07/stories/1062289717>

Pamela King, E&E News reporter

EPA's top attorney said today that the agency stands ready to defend its Clean Water Act protections for streams and wetlands against a wave of anticipated litigation that could stymie the rule's implementation across the country.

EPA General Counsel Matt Leopold said the Trump administration's "Navigable Waters Protection Rule" offers a definition of the Waters of the U.S., or WOTUS, rule that is simultaneously protective of the environment and respectful of property rights and state powers.

"As we all know, the scope of the Clean Water Act has been subject to a tortured history culminating in the infamous *Rapanos v. United States* decision," Leopold said during a panel discussion hosted by the American Law Institute and the Environmental Law Institute.

He noted that the Trump administration's WOTUS replacement rule gets back to late Supreme Court Justice Antonin Scalia's plurality opinion in *Rapanos*, which says the Clean Water Act requires a "relatively permanent" surface water connection to regulated waterways, while implementing Justice Anthony Kennedy's "significant nexus" test from the same case.

Some legal experts have argued that the new rule only superficially acknowledges Kennedy's test and places too much emphasis on the role of states ([Greenwire](#), Jan. 24).

An influx of lawsuits is expected after the WOTUS replacement rule appears in the *Federal Register*.

Those challenges would join an existing body of litigation over the Obama WOTUS rule and the Trump administration's repeal of that regulation.

Leopold said his staff has compiled "a giant spreadsheet" to help him keep track of the cases.

The legal morass has the potential to further complicate application of the Trump rule in many states. As a result of earlier litigation, the Obama rule only went into effect in 22 states.

"There's a potential for patchwork ... across the country," Leopold said. "That's what we've been trying to avoid."

Leopold also fielded a question about why the Trump administration — if it felt it did not have the power to regulate a broader body of waters — would not approach Congress to expand EPA's authority.

"I'm the lawyer for the agency," he said. "I'm not the policymaker."

Seacoast Online

Dover officials: EPA's permit could cost Seacoast \$1B

By [Jeff McMenemy](#)

DOVER -- The City Council is slated to discuss the possibility of seeking a peer review of the Environmental Protection Agency's draft total nitrogen permit for Great Bay, which city officials now say could cost the Seacoast \$1 billion to meet.

Dover's council is scheduled to take up the issue at its Wednesday, Feb. 12 meeting.

In a resolution filed with the City Council packet, city officials state "outside consultants engaged by the city have questioned the scientific validity of certain aspects" of the draft nitrogen permit for Great Bay.

"The proposed draft general permit would likely have an adverse impact on development in Dover and virtually every Seacoast community in the Great Bay watershed, as well as necessitate expenditures from Dover of well over \$100,000,000 and Seacoast communities collectively of potentially over \$1,000,000,000," the City Council resolution states.

EPA officials, along with state Department of Environmental Services representatives, have said excess nitrogen going into Great Bay has reduced the amount of eelgrass and hurt the health of the Great Bay estuary. That has led to Seacoast communities spending hundreds of millions of dollars to upgrade their existing wastewater plants or build new ones.

"Given the importance of the regulatory decision being proposed, a scientific peer-review of the Draft General Permit should be undertaken prior to any final permit issuing," the City Council resolution states.

City Manager Michael Joyal told the council earlier this week that if approved the EPA's draft permit could cost Dover "hundreds of millions" to meet.

"This is not just Dover," he said. "Every community that has a wastewater plant that discharges into Great Bay" will have to meet it.

In a change of approach from the past, the EPA is calling for a dozen communities around Great Bay to reduce the amount of nitrogen going into the waters, rather than focusing on one community at a time.

The permit allows the communities to keep nitrogen levels from their wastewater plants at current levels. But the draft permit then requires the communities follow a 23-year state plan that calls for a 45% reduction from "non-point source" pollution such as stormwater runoff.

Joyal said city staffers feel the amount of non-point nitrogen reduction the EPA is asking for is "unnecessarily restrictive," "not supported by science" and may not be realistically achievable.

If approved, the resolution would give Joyal authorization "to submit a formal request to state and federal regulators asking they undertake a scientific peer review of the draft permit "and to incorporate the findings from same into the requirements of any final permit."

The resolution also notes Dover "is and remains willing to do that which is necessary to support the continued improvement of the Great Bay estuary."

"However, those efforts should be based on the best possible science available," the resolution states.

The city also "has undertaken significant effort and expense to reduce the amount of nitrogen expelled from the city's wastewater treatment facility," officials said, and they noted nitrogen is just "one of several other factors linked to possible adverse effects on eelgrass."

The Feb. 12 City Council meeting is scheduled to begin at 7 p.m. in City Council Chambers in City Hall.

The EPA is also hosting a public hearing on the proposed permit Feb. 19. The meeting is scheduled to begin at 6 p.m. at DES' office at Pease International Tradeport in Portsmouth.

City Councilor John O'Connor called the issue "very serious," adding it could end up costing Dover \$200 million.